

DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ASSAY FOR DETECTING METHYLATION CHANGES IN NUCLEIC ACIDS USING AN INTERCALATING NUCLEIC ACID, the specification of which:

- (a) is attached hereto; or
- (b) was filed on July 22, 2005 as Application No. 10/543,017; or
- (c) was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
Australia	2003900368	01/24/03	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: PCT/AU2004/000083 Filing Date: 01/23/04 Status: Entered National Phase

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Douglas Spencer Millar

Inventor's signature _____ Day _____ Month _____ Year _____

Residence (city and country): New South Wales, Australia

Citizenship: Australian

Post Office Address: 8 Rowland Street, Revesby, NSW 2212, Australia

Full name of second inventor: John Robert Melki

Inventor's signature _____ Day _____ Month _____ Year _____

Residence (city and country): New South Wales, Australia

Citizenship: Australian

Post Office Address: 51 Fontainebleau Street, Sans Souci, NSW 2219, Australia

Full name of sole or third inventor: Geoffrey W. Grigg

Inventor's signature _____ Day _____ Month _____ Year _____

Residence (city and country): New South Wales, Australia

Citizenship: Australian

Post Office Address: 352 Burns Bay Road, Linley Point, NSW 2066, Australia

Full name of sole or fourth inventor: George L. Gabor Miklos

Inventor's signature George L. Gabor Miklos Day 2 Month 7 Year 2007

Residence (city and country): New South Wales, Australia

Citizenship: Australian

Post Office Address: 19 Bungan Head Road, Newport NSW 2106, Australia

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

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PATENT

ASSIGNMENT

WHEREAS, WE, Douglas Spencer Millar, an Australian citizen, residing at 8 Rowland Street, Revesby, NSW 2212 Australia; John Robert Melki, an Australian citizen, residing at 51 Fontainebleau Street, Sans Souci, NSW 2219, Australia; Geoffrey W. Grigg, an Australian citizen, residing at 352 Burns Bay Road, Linley Point, NSW 2066 Australia; and George L. Gabor Miklos, an Australian citizen, residing at 19 Bungan Head Road, Newport NSW 2106, Australia;

hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in ASSAY FOR DETECTING METHYLATION CHANGES IN NUCLEIC ACIDS USING AN INTERCALATING NUCLEIC ACID, the specification of which:

- (a) is attached hereto; or
- (b) was filed on July 22, 2005 as Application No. 10/543,017; or
- (c) was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

AND WHEREAS, Human Genetic Signatures Pty. Ltd., an Australian corporation, with its principal place of business at 22 Delhi Road, Macquarie Park, NSW 2113, Australia, (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

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IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This _____ day of _____, 20____

Signature of Douglas Spencer Millar

This _____ day of _____, 20____

Signature of John Robert Melki

This _____ day of _____, 20____

Signature of Geoffrey W. Grigg

X This 2nd day of July, 2007

Signature of George L. Gabor Miklos

Witnessed by:

John Robert

John Robert

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